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*California Coastal Commission and State Coastal*  
9 *Conservancy*

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11 SUPERIOR COURT OF THE STATE OF CALIFORNIA  
12 COUNTY OF LOS ANGELES  
13

14 **ACCESS FOR ALL, a California non-profit**  
15 **corporation,**

16 Plaintiff,

17 v.

18 **LISETTE ACKERBERG TRUST, a Trust,**  
19 **LISETTE ACKERBERG, individually and**  
20 **as Trustee of the LISETTE ACKERBERG**  
21 **TRUST, and DOES 1 - 10, Inclusive,**

22 Defendants.

BC405058

**DECLARATION OF SAM SCHUCHAT**  
**IN SUPPORT OF MOTIONS TO**  
**INTERVENE, VACATE STIPULATED**  
**JUDGMENT AND STAY CASE**

Date: October 29, 2009  
Time: 8:30 a.m.  
Dept: 58  
Judge The Honorable Rolf Michael  
Treu

Trial Date  
Action Filed: January 6, 2009

23 I, Sam Schuchat, declare as follows:

24 1. I am the Executive Officer for the State Coastal Conservancy (Conservancy). Except  
25 as specifically noted, the matters stated in this declaration are personally known to me and, if  
26 called as a witness, I could and would testify competently to them.

27 2. On July 28, 2003, the California Coastal Commission (Commission), Access for All  
28 and the Conservancy entered into a Public Vertical Access Easement Management Plan to improve

1 and operate the Ackerberg accessway for the use of the public. A copy of the management plan is  
2 attached as Exhibit 1 to the Declaration of Peter Douglas in Support of the Motions to Intervene,  
3 Vacate Stipulated Judgment and Stay Case. The management plan expressly prohibits any  
4 revision of the plan without the consent of all three parties. (Ex. 1, p. 2.) The management plan  
5 provides that if Access for All fails to carry out its responsibilities, then all right, title and interest  
6 in the easement shall be vested in the State of California acting by and through the Conservancy.  
7 (Ex. 1, p. 3.)

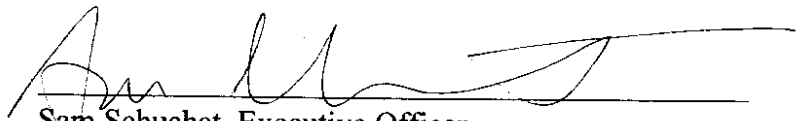
8 3. On December 15, 2003 the Commission, Conservancy and Access for All entered  
9 into a Certificate of Acceptance that acknowledged Access for All's acceptance of the offer to  
10 dedicate and set forth the conditions of that acceptance with respect to the management and future  
11 disposition of the dedicated easement. A copy of the Certificate is attached as Exhibit 2 to the  
12 Declaration of Peter Douglas in Support of Motions. Acceptance of the offer was "subject to a  
13 covenant which runs with the land, providing that any offeree to accept the easement may not  
14 abandon it but must instead offer the easement to other public agencies or private associations  
15 acceptable to the Executive Director of the Commission." (*Id.* at p. 2) The Certificate of  
16 Acceptance expressly provided that "should Access For All cease to exist or fail to carry out its  
17 responsibilities as Grantee to manage the easement for the purpose of allowing public pedestrian  
18 access to the shoreline, then all of Access For All's right, title and interest in the easement shall  
19 vest in the State of California, acting by and through the Conservancy or its successor." (*Id.* at p.  
20 3.)

21 4. In early January 2009, counsel for Ackerberg arranged for a meeting with me and  
22 Conservancy staff. At that meeting, Ackerberg's counsel made a proposal regarding the  
23 Ackerberg public access easement. Counsel suggested that Ackerberg would develop and open a  
24 separate, unrelated public access easement that is held by the County of Los Angeles and crosses  
25 private property. I am informed that the County-held easement is located over 650 feet upcoast  
26 from the Ackerberg property. In exchange, Ackerberg proposed that the Conservancy agree that  
27 the Ackerberg easement be terminated and extinguished. Staff and I rejected this proposal, noting  
28 that the Conservancy's policy and legislative mandate is to provide public access to the coast, not

1 to eliminate existing public accessways. At the time of this meeting, neither I nor any member of  
2 the Conservancy staff was aware of any pending or potential litigation between Access for All  
3 and Ackerberg. Conservancy staff and I did not learn about this litigation between Access for All  
4 and Ackerberg until July 3, 2009 when we received a copy of Ackerberg's July 2, 2009 submittal  
5 to the Commission regarding the Commission hearing on its proposed the cease and desist order.

6 I declare under penalty of perjury under the laws of the State of California that the  
7 foregoing is true and correct.

8 Executed this 2 day of September, 2009 in Oakland, California.

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11 Sam Schuchat, Executive Officer  
12 State Coastal Conservancy

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